

Message Text

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ORIGIN EB-07

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COME-00 DODE-00 DOTE-00 INR-07 NSAE-00 CIEP-01 FAA-00

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DRAFTED BY EB/AN:TROESCH:BA

APPROVED BY EB/TCA:JWBILLER

EA/ANP:TJWADJA

CAB:ELBROWN

EB/OA:MHSTYLES

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P 141659Z OCT 76

FM SECSTATE WASHDC

TO AMEMBASSY WELLINGTON PRIORITY

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FOR ROBERT A. BROWN, US CIVAIR DELEGATION

E.O. 11652: N/A

TAGS: EAIR, NZ

SUBJECT: CIVAIR: US-NZ CIVAIR TALKS: NEGOTIATING AUTHORITY

1. ROBERT A. BROWN IS DESIGNATED CHAIRMAN OF UNITED STATES DELEGATION TO TALKS WITH NEW ZEALAND TO BE HELD IN WELLINGTON BEGINNING OCTOBER 18, 1976. THE OTHER MEMBERS OF THE DELEGATION ARE: HONORABLE R. TENNEY JOHNSON, MEMBER, CAB; JAMES S. HORNEMAN, BUREAU OF INTERNATIONAL AFFAIRS, CAB; AND OBSERVERS: MISS LISA RAY, AIR TRANSPORT ASSOCIATION AND EDWARD A. DINGIVAN, NATIONAL AIR CARRIER ASSOCIATION.

2. THESE NEGOTIATIONS CONCERN (1) AIR NEW ZEALAND (ANZ)'S PRESENT CAPACITY BETWEEN NEW ZEALAND AND THE LIMITED OFFICIAL USE

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UNITED STATES AND ITS PROPOSAL TO INCREASE CAPACITY TO

NINE WEEKLY DC-10 AIRCRAFT AS OF NOVEMBER 1, 1976;
(2) ANZ-BRITISH AIRWAYS' LOS ANGELES "INTERCHANGE";
(3) CONDITIONS ATTACHED TO NEW ZEALAND-UNITED KINGDOM
GOVERNMENT-ORDERED EXCURSION FARES; AND (4) PAN AMERICAN'S
PROPOSAL TO INCREASE ITS CAPACITY TO SIX WEEKLY B747
AIRCRAFT INCLUDING ONE B747 FREIGHTER AND TWO B747 SP'S
AS OF DECEMBER 5, 1976.

3. USDEL SHOULD TAKE POSITION THAT LEVEL OF ANZ'S
CURRENT CAPACITY, AS WELL AS PROPOSED INCREASE TO NINE
WEEKLY DC-10 FLIGHTS, AND EXCESSIVE RELIANCE ON SIXTH
FREEDOM TRAFFIC, HAS HAD UNDUE EFFECT ON PAN AMERICAN AND
THUS DEPRIVED IT OF FAIR AND EQUAL OPPORTUNITY TO COMPETE
FOR US-NEW ZEALAND TRAFFIC UNDER US-NZ AIR TRANSPORT
AGREEMENT. USDEL SHOULD PRESS, AT MINIMUM, FOR DEFERMENT
OF ANZ'S NINTH FREQUENCY UNTIL EFFECTS OF PAN AM'S
DECEMBER 5 SCHEDULE CHANGES CAN BE ASSESSED. IF GNZ DOES
NOT AGREE TO THIS COURSE OF ACTION, ANZ'S NINTH FREQUENCY
MUST, HOWEVER, BE ALLOWED UNDER TERMS AGREED MINUTE. IN
REGARD TO THE LOS ANGELES "INTERCHANGE," USDEL SHOULD
POINT OUT ADVANTAGES THIS CONFERS ON ANZ WHICH FURTHER
EXACERBATES CAPACITY ISSUE. IT SHOULD ALSO REITERATE US
POSITION THAT OPERATIONS SUCH AS INTERCHANGE ARE NOT CON-
TEMPLATED UNDER EXCHANGE OF RIGHTS IN BILATERAL AIR
TRANSPORT AGREEMENT AND THAT US REGRETS GNZ HAS CHOSEN NOT
TO CONCLUDE AN EXCHANGE OF NOTES OFFERED BY US WHICH WOULD
HAVE SANCTIONED INTERCHANGE. FYI. IN VIEW FACT CAB MAY
NOT BE ABLE EFFECTIVELY TO ENFORCE THIS POSITION DUE LEGAL
UNCERTAINTIES, DEPARTMENT DOES NOT BELIEVE USDEL SHOULD GO
OUT ON LIMB BY SAYING THAT CAB WILL HAVE TO CONSIDER
REMEDIAL ACTION IF ANZ DOES NOT REQUEST SPECIFIC APPROVAL
FOR INTERCHANGE. IN ADDITION, IF CAB WERE TO TAKE ACTION
AGAINST INTERCHANGE, BRITISH AIRWAYS LOS ANGELES-LONDON
FLIGHTS WOULD ALSO BE AFFECTED. HAVING SETTLED US-UK
WINTER CAPACITY DISPUTE, DEPARTMENT WOULD NOT WANT IT TO
ARISE AGAIN AS CONSEQUENCE US ACTION AGAINST NEW ZEALAND.
END FYI.

4. USDEL SHOULD PRESS NZ CIVAIR AUTHORITIES TO SEEK UK
CONCURRENCE WITH THE CONDITIONS TO THE GOVERNMENT-ORDERED
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EXCURSION FARES PER THE FEBRUARY AGREEMENT BETWEEN PAN AM
AND THE NZ GOVERNMENT.

5. IF NEW ZEALAND OFFERS NO ACCOMMODATION ON ANY OF ABOVE
ISSUES, USDEL SHOULD INDICATE THAT USG WILL HAVE TO REVIEW
ENTIRE SITUATION TO DETERMINE APPROPRIATE COURSE OF ACTION.

6. THE CAB MEMBERS IN THE DELEGATION WILL PROVIDE RECOM-

MENDATIONS AND ANALYSES AS REQUIRED. ANY AGREEMENT REACHED
DURING NEGOTIATIONS WILL BE ON AN AD REFERENDUM BASIS.
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